

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION  
3 UNITED STATES OF AMERICA, ) Case 1:18-cr-00457  
4 Plaintiff, )  
5 v. ) Alexandria, Virginia  
6 BIJAN RAFIEKIAN, ) July 23, 2019  
7 Defendant. ) 2:20 p.m.  
8 ) Day 7  
9 ) Pages 1193 - 1200

9 TRANSCRIPT OF TRIAL  
10 BEFORE THE HONORABLE ANTHONY J. TRENGA  
11 UNITED STATES DISTRICT COURT JUDGE  
12 AND A JURY  
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25 COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 APPEARANCES:

2 FOR THE UNITED STATES OF AMERICA:

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(202) 887-4000

16 THE DEFENDANT, BIJAN RAFIEKIAN, IN PERSON

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1 (The jury is not present.)

2 THE CLERK: Criminal Case 1:18-cr-457, *United*  
3 *States v. Bijan Rafiekian*.

4 Counsel, will you please note your  
5 appearances for the record.

6 MR. GILLIS: Good afternoon, Your Honor. Jim  
7 Gillis, John Gibbs, Evan Turgeon, and Katie Sweeten for  
8 the United States.

9 THE COURT: Good afternoon.

10 MR. MACDOUGALL: Good afternoon, Your Honor.  
11 Mark MacDougall, Robert Trout, Stacey Mitchell, and  
12 James Tysse for the defendant, Bijan Rafiekian, who is  
13 also present in the courtroom.

14 THE COURT: All right. Welcome.

15 We have received word from the jury that  
16 they've reached a verdict.

17 Anything before we bring out the jury?

18 MR. GILLIS: Not from the government, Your  
19 Honor.

20 MR. MACDOUGALL: Your Honor, only to renew  
21 our motion under Rule 29 the Court has reserved on.

22 THE COURT: All right. Very good.

23 All right. Let's bring the jury out.

24 (The jury enters at 2:21 p.m.)

25 THE COURT: All right. Please be seated.

1 Will the foreperson please stand and be  
2 identified.

3 Yes. I understand you've reached a verdict.  
4 Is that correct?

5 THE FOREPERSON: Yes, sir, we have.

6 THE COURT: Is it unanimous?

7 THE FOREPERSON: Yes, sir.

8 THE COURT: Have you completed the verdict  
9 form?

10 THE FOREPERSON: Yes.

11 THE COURT: Would you give it to Mr. Burns,  
12 please.

13 (The verdict form is given to the Court.)

14 THE COURT: All right. Ladies and gentlemen,  
15 we are now going to read your verdict. We're going to  
16 do what's called publishing your verdict. Please  
17 listen carefully to the verdict as it's read because  
18 once the verdict is read, each of you will be asked  
19 whether this is, in fact, your verdict.

20 THE CLERK: Will the defendant please rise  
21 and face the jury.

22 We, the jury, unanimously find the defendant,  
23 Bijan Rafiekian, guilty of conspiracy to act as an  
24 unregistered agent of a foreign government as charged  
25 in Count 1, A, of the indictment.

1           We, the jury, unanimously find the defendant,  
2 Bijan Rafiekian, guilty of conspiracy to make willful  
3 and material false statements and omissions in a FARA  
4 filing as charged in Count 1, B, of the indictment.

5           We, the jury, unanimously find the defendant,  
6 Bijan Rafiekian, guilty of acting in the United States  
7 as an unregistered agent of a foreign government as  
8 charged in Count 2 of the indictment.

9           So say we all this 23rd day of July 2019.

10          Signed by the foreperson.

11          THE COURT: Please poll the jury.

12          (Each juror upon being asked by the clerk, "Is  
13 this your true verdict?" answered in the  
14 affirmative.)

15          THE COURT: Thank you.

16          The defendant may be seated.

17          Ladies and gentlemen, your service has now  
18 ended. You're excused with the thanks of the Court.  
19 If you would remain in the jury room, I will join you  
20 shortly. You're excused.

21          (The jury exits at 2:25 p.m.)

22          THE COURT: Why don't you come to the podium,  
23 please.

24          Mr. Rafiekian, in accordance with the verdict  
25 of the jury, the Court finds you guilty of conspiracy

1 to act as an agent of a foreign government without  
2 prior notification to the attorney general and to make  
3 false statements and willful omissions in a FARA filing  
4 as charged in Count 1 and knowingly acting in the  
5 United States as an agent of a foreign government as  
6 charged in Count 2.

7 I'm going to set this matter down for  
8 sentencing on October 18 at 9:00 a.m. in this  
9 courtroom.

10 You will have an opportunity between now and  
11 then to be interviewed by Pretrial Services and  
12 Probation and to share with that office and, through  
13 that office, this Court any information you think may  
14 be helpful to the Court in deciding an appropriate  
15 sentence. You may be accompanied by your lawyer during  
16 that interview.

17 What is the government's position on  
18 continued release pending sentencing?

19 MR. GILLIS: Your Honor, I believe he should  
20 be continued on the same conditions.

21 THE COURT: Do you want to be heard on this,  
22 Mr. MacDougall, in any change in conditions?

23 MR. MACDOUGALL: No, Your Honor.

24 THE COURT: All right. Mr. Rafiekian,  
25 pending sentencing you will be released on the same

1 terms and conditions. You will continue to be under  
2 the supervision of Pretrial Services and Probation.

3 THE DEFENDANT: Thank you, Your Honor.

4 THE COURT: All right. Is there anything  
5 further?

6 MR. MACDOUGALL: Yes, Your Honor. With  
7 respect to the verdict that the jury has returned, we  
8 would, once again, renew our motion for judgment of  
9 acquittal. I believe under Rule 29(b) the Court has  
10 that authority given the Court has reserved on that.  
11 So we would move, again, based upon all the pleadings  
12 that have been filed on this basis for the Court to  
13 enter a judgment.

14 THE COURT: That motion has been  
15 substantially briefed. What I'd like to do is set a  
16 deadline for any additional filings. Any supplemental  
17 filing in support of that motion should be filed by  
18 August 17, and any supplemental opposition should be  
19 filed by the 24th. The Court will hold a hearing  
20 September 5.

21 MR. MACDOUGALL: Thank you, Your Honor.

22 THE COURT: All right. Thank you.

23 Counsel is excused.

24 The defendant is released on terms.

25 MR. GILLIS: Thank you, Your Honor.

1 THE COURT: The Court will stand in recess.

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3 Time: 2:29 p.m.

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I certify that the foregoing is a true and  
accurate transcription of my stenographic notes.

/s/  
Rhonda F. Montgomery, CCR, RPR